

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
MARCH 12 1996

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS TUESDAY EVENING MARCH 12, 1996 IN REGULAR SESSION. PRESIDENT DONALD J. SCHMIDT IN THE CHAIR, COUNCIL ATTORNEY JOSEPH BONAHOOM & PHILIP LARMORE AND SANDRA E. KENNEDY, CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BENDER P, CRAWFORD P, EDMONDS Absent
HALL P, HAYHURST P, HENRY P,
LUNSEY Absent, RAVINE Absent, SCHMIDT P.

ABSENT: 3 members

COUNCIL MEMBER

Edmonds, Lunsey,
Ravine, _____.

THE MINUTES OF THE LAST REGULAR FEBRUARY 27 1996

SPECIAL FEBRUARY 20 1996

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of March, 19 96, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of March, 19 96.

Sandra E. Kennedy

City Clerk



The City of Fort Wayne

Paul Helmke, Mayor

February 20, 1996

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-08-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
20th day of February 1996.

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

G-95-08-08

BILL NUMBER

Division of Community
Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Alley Vacation Ordinance		

DETAILS

Specific Location and/or Address
The east/west alley between Clay and Lafayette Streets, south of Jefferson Bl.

Reason for Project
This vacation would help to facilitate the construction of the new St. Mary's Church.

Discussion (Including relationship to other Council actions)
<u>18 September 1995 - Public Hearing</u>
See Attached Minutes of Meeting
<u>25 September 1995 - Business Meeting</u>
Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the following:
1) petitioner provide utility easements or relocations as needed, and
2) petitioner provide an ingress/egress easement to serve the parking at the rear of the property at 1120 Clay Street (Mr. Robert Carroll's property).
Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide	Other Areas
Applicants/ Proponents	Applicant(s) Catholic Diocese Fort Wayne-South Bend Inc City Department	Other
Opponents	Groups or Individuals Robert Carroll, 732 W State	Basis of Opposition -felt vacation would prohibit access to Lafayette St from a property he owns at 1120 Clay Street.
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against	Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS
Me
D

DETAILS

Members Present: Ernest Evans, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

MEMbers Absent: Linda Buskirk, James Hoch

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 26 June 1995

Projected Completion or Occupancy Date 20 February 1996

Fact Sheet Prepared by Date 20 February 1996
Patricia Biancaniello

Reviewed by Date 22 February 1996

Reference or Case Number



a. Bill No. G-95-08-08 - Vacation Petition #593
An alley which runs east and west between Lafayette Street and Clay Street.

Phil Burt, attorney representing the petitioners, appeared before the Commission. Mr. Burt stated that since this case was heard just recently, he would not take up to much of the Commission's time. He stated that this has been routed through the engineering departments. He stated that the only objection was from Water Pollution Control Engineering. He stated that they have met with WPCE and they have approved the requested vacation as of 9/7/95. He stated that they are asking for the vacation in order to help facilitate the construction of St. Mary's Church. He stated it will be a smaller church and set on the north side of the existing alley. He stated that the south side of the property will be used for parking. He stated that the entrances on either end of the alley will not be closed. He stated that per the staff discussions they will cooperate and give easements where necessary. He stated that at the public hearing in August a Mr. Robert Carroll appeared and stated that he owned a duplex at the end of Clay Street just off of the alley. He stated that if he needs an easement for access they will include his request in the easements.

Mr. Robert Carroll, 732 W State Bl, appeared before the Commission. Mr. Carroll explained that he was the owner of the duplex at 1120 Clay Street, which abuts the alley in question. He stated that his concern would be that if the alley were to be closed he would lose access to Lafayette Street. He stated that there is no parking on Clay Street. He stated that he is required to maintain 3 parking spaces on premises for the use of the residents of the duplex. He stated that it is very important that this be kept open. He stated that he would like to see a permanent recorded easement, giving him the right to enter and exit on both sides of the alley, Lafayette and Clay Street. He stated that he would like the easement to run with the property. He stated that he is concerned about losing City maintenance on the alley.

Pat Fahey, Senior Planner with C&ED, questioned if the duplex was rented.

Mr. Carroll stated that they are currently being renovated.

Mr. Fahey stated that when they went out to the site they had difficulty locating the parking.

Mr. Carroll stated that there is some gravel down.

Mr. Fahey questioned that if he were granted an easement why would he need access from Lafayette Street.

Mr. Carroll stated that he felt it would cause them difficulty accessing the property if the Lafayette Street entrance was closed. He stated that he usually enters from Lafayette Street.

Mr. Fahey questioned whether he would be upgrading the parking for the duplex.

Mr. Carroll stated that he is going to remove the remains of the garage and replace it entirely with gravel.

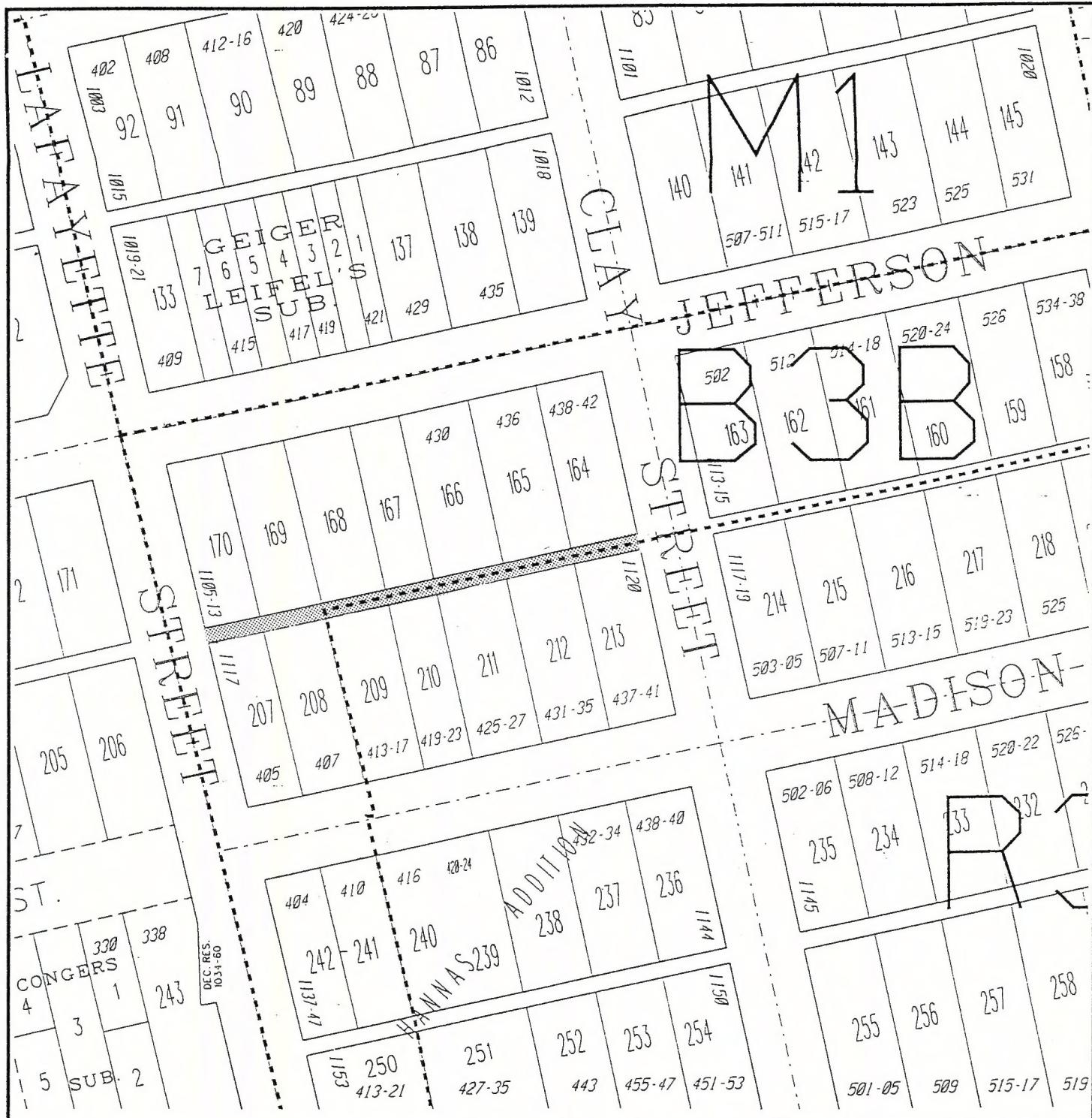
In rebuttal Mr. Burt stated that they would take responsibility for the maintenance of the alley.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

VACATION PETITION

AREA MAP

CASE NO. #593



COUNCILMANIC DISTRICT NO. 1

Map No. N - 6
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

J. Philip Burt, attorney, on behalf of the Catholic Diocese Fort Wayne-South Bend, Inc., requests the vacation of a public alley.

Location: The east-west alley between Clay and Lafayette Streets, south of Jefferson Boulevard.

Legal: The same as above

Land Area: Approximately 0.13 acres

Zoning: B3B and R3

Surroundings:	North	B3B	Commercial
	South	B3B/R3	Commercial / Residential
	East	B3B/R3	Commercial / Residential
	West	B3A	Commercial

Reason for Request: New development

Neighborhood Assoc.: Neighborhood Community Group

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Planning Staff Discussion:

The southeast corner of Lafayette and Jefferson is the home of the Saint Mary's Catholic Church complex. The church was destroyed by fire. Since then, many discussions have taken place regarding the future of this complex and the rebuilding of the church. This petition is one step in their rebuilding program.

Current plans are to construct a new church structure and parking lot. The new church will probably be smaller than the original, reflecting changes to the church community, and its needs. While final plans for the entire site are not available, there is the possibility that the existing alley right-of-way would restrict either site development or use.

Telephone, gas, sewer, cablevision and electric utilities are located in the alley. Those agencies have been contacted, and will need either replacement easements, or relocations. The petitioners are aware that they would need to address utility needs and are willing to do

so.

While the church does not own all of the property surrounding the alley, it does not appear that anyone else needs the right-of-way to reach other public ways or places. Approval of the vacation should not hinder or inconvenience any of the area residents or businesses. Lafayette, Jefferson, Clay and Madison Streets serve the surrounding properties for access needs.

Just as the needs of the church have changed over time, so have the conditions that necessitated this alley. From the manner in which the surrounding area was platted, it would appear that individual lot development was intended. Under that scenario, the alley would have been needed for access and utility services. The church now owns most of these lots and the potential for individual lot by lot development has passed.

Staff supports this petition for a variety of reasons. First, it does not appear that the alley is needed for access or future development and/or growth of the city. The surrounding street grid provides access to anyone in or traveling through the area. Secondly, approval of the petition should not impact any property values in the area. In fact the new construction may help improve property values. Finally, the Saint Mary's complex has been envisioned as one of the community's assets, and has been a landmark along this highly traveled corridor. While the proposed redevelopment of the site will not exactly restore the church, the proposed complex should replace an aesthetic value that has been missing since the fire.

At the public hearing in August, a Mr. Robert Carroll spoke against the petition. Mr. Carroll owns a duplex on Clay Street. He stated that he has three parking spaces located behind the duplex that are accessed from the alley. Mr. Burt stated that they would be happy to provide an easement, and that they have no plans to close either end of the alley.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed, and providing an ingress/egress easement to serve the parking at the rear of Mr. Carroll's lot and for the following reasons:

- 1) Approval will not impact property values in the area, and the church will provide replacement utility easement or relocations as needed.
- 2) Access in the area is available from the surrounding street grid, so approval will not hinder or eliminate anyone's access to other public or private places.
- 3) It appears that circumstances in the area have changed since the alley was originally platted. The possibility of single lot development has passed as the petitioner owns most of the land and is proposing a unified development of the site.

RESOLUTION 82-166-5

WHEREAS, CATHOLIC DIOCESE FORT WAYNE-SOUTH BEND, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, C. JAMES OWEN, ^{MEMBER} Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED. FEB. 14 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 14 DAY OF FEBRUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

Linda Buskirk
C. James Owen
Member, Board of Public Works

Terrence P. McCaffrey
Terrence P. McCaffrey
Member, Board of Public Works

RESOLUTION

WHEREAS, CATHOLIC DIOCESE FORT WAYNE-SOUTH BEND, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on SEPTEMBER 18, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
 COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, September 25, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 9th DAY OF February 1996

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary



The City of Fort Wayne

Paul Helmke, Mayor

February 20, 1996

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-94-01-05

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
20th day of February 1996.



Carol Kettler Sharp

Secretary

/pb

xc: File

FACT SHEET

G-94-01-05

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Street Vacation Ordinance		

DETAILS	POSITIONS	RECOMMENDATIONS
	Sponsor	City Plan Commission
Specific Location and/or Address A portion of Pennsylvania Street, east of Kitch Street.	Area Affected	City Wide Other Areas
Reason for Project The vacation of the right-of-way would be used for future expansion of the Fort Wayne Vehicle Auction.	Applicants/ Proponents	Applicant(s) AA Property Holdings Inc City Department Other
Discussion (Including relationship to other Council actions) <u>24 January 1994 - Public Hearing</u> See Attached Minutes of Meeting <u>31 January 1994 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the following: 1) petitioner needs to provide utility easements or relocations as needed; 2) petitioner is to close the existing access point and restore the curbline. Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion Carried.	Opponents	Groups or Individuals Betty Lunsey, 1548 Kitch St Basis of Opposition -further expansion of this business would increase the detrimental effect this business has on the area.
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against	
Board or Commission Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS

Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

Member Absent: Mark GiaQuinta

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 13 December 1993

Projected Completion or Occupancy

Date 20 February 1996

Fact Sheet Prepared by
Patricia Biancaniello

Date 20 February 1996

Reviewed by

Date 22 February 1996

Reference or Case Number

a. Bill G-94-01-05 - Vacation Petition #555
A portion of Pennsylvania Street, east of Kitch Street

John Woodyard, Business Manager of the Fort Wayne Vehicle Auction a subsidiary of ADT Holdings in Nashville Tennessee appeared before the Commission. He stated that the reason for the request is that ADT Holdings is the sole owner of all the surrounding property of the right-of-way in question. He stated that he had spoken with Rick Orr, with the City Right-Of-Way Department, and he indicated they would welcome them taking over this portion of Pennsylvania Avenue since it has no ingress or egress value to the city of Fort Wayne.

Ernest Evans questioned what the property north of the requested vacation was being used for.

Mr. Woodyard stated that it is a storage lot affiliated with the Fort Wayne Vehicle Auction.

Mel Smith questioned what the area would be used for.

Mr. Woodyard stated that it is used for storage but it is mainly being done for future planning. He stated that they have bought several parcels of land adjacent to this and it is mainly a storage area for automobiles. He stated that it has been paved and fenced. He stated that it is 100% improved over the way it was a year ago.

Dave Ross stated that he was of the understanding that this portion of roadway was not used for any ingress and egress.

Mr. Woodyard stated that not since the mobile home park was removed has this been used for access.

Charles Layton questioned if there were homes in the area currently.

Mr. Woodyard stated that there is a home right off of Washington Blvd., and there are two or three occupied homes on either side of the right-of-way to be vacated.

Carol Kettler Sharp questioned if there were homes across the street on Kitch.

Mr. Woodyard stated that across the street there are homes.

Dave Ross questioned if they were intending to use this as a commercial drive approach.

Mr. Woodyard stated that in the future they would. He stated that right now their volume is such that they do not need another ingress/egress.

Mr. Woodyard stated that the auction has been mainly heavy duty truck auctions. He stated that this particular area would be used for passenger vehicles only. He stated they have what they feel is adequate storage currently for the heavier vehicles.

Mel Smith questioned if the Commission prohibited the use of this property for access purposes would they still be requesting the vacation.

Mr. Woodyard stated that they would because they still have access and the fact that they would not have access from that side would not diminish the use of the storage area.

Charles Layton questioned the frequency of the auctions.

Ms. Woodyard stated that they have car sales every Tuesday and heavy duty truck auctions every other Wednesday.

Betty Lunsey, 1548 Kitch Street, appeared before the Commission representing the neighborhood association in opposition to the proposed vacation. Ms. Lunsey stated that they were opposing this vacation because the petitioners are not, in the opinion of the neighborhood, good neighbors. She stated that the neighborhood feels that this business has brought in detrimental elements to the area and by allowing them to expand it would only increase the damage that is already being caused by this company. She stated that they feel that they have been trying to move the neighborhood out and expand the business. She stated that they have intimated people into selling their homes for less than their value in order to expand. She stated that they have put up fencing, but it is not privacy fencing. They have made no effort to landscape the area in order to buffer the property from the existing residential areas. She stated that they do not want them using Kitch Street for commercial traffic. She stated that when the mobile home park was removed they left a great deal of debris in the area for over a year. She stated that it started to be used for dumping and that the neighborhood had to fight to get them to clean up this area.

Carol Kettler Sharp questioned if they were using this street presently.

Ms. Lunsey stated that they did not currently use this street.

Ms. Sharp questioned if they were bringing trucks down Kitch Street.

Ms. Lunsey stated that she had not seen any truck traffic on Kitch.

Ms. Sharp questioned if Ms. Lunsey's concern was that if this vacation is approved that they will start using Kitch Street again for commercial traffic.

Ms. Lunsey stated that was correct, she stated that the auction wants more area in order to expand.

Mr. Woodyard stated in rebuttal that he has been in Fort Wayne for two years. He stated that he could not speak for the things that have happened in the past in this area. He stated however that since he has been here they have tried very hard to be good neighbors. He stated that Archie Lunsey, Councilman for the District called on him about one month after he became business manager for the auction. Mr. Lunsey asked him to see if they could do something about keeping the large trailers from going right up to the fence and becoming an eyesore. He stated that since that time they have been very methodical about trying to avoid that and keep the inventory moved so that they do not sit in one place for any length of time. He stated that they do not come right up to the fence like they were when he first arrived. He stated that he feels that they have made some progress in that respect. He stated that last year they contributed a few hundred dollars for a neighborhood party, again an effort on their part to be a good neighbor. He stated that he has become acquainted with a gentlemen who lives on the property right next to Washington. He is very outspoken about any problems in the area. He stated that when they started planning to improve the area where the mobile home park had been located this gentleman made his wishes known pretty quickly that he was kept apprised of what they were doing. He stated that the general manager and himself have tried very hard

to do that by keeping him well informed about the progress. He stated that they spent a little over \$100,000 to develop this property. He stated they may have been a little slow, but part of that is due to the appropriation of money. He stated as soon as the money was appropriated they went ahead and developed the property and it is 100% improvement over what it was. He stated that it was an eyesore. He stated that they did not dump trash on the property. He stated that they were the ones who were cleaning it up from people who were dumping illegally. He stated that their maintenance manager does a good job in keeping the area mowed and the weeds down in the summer. He stated he feels that they have made a viable effort to be a good neighbor. He stated this is not to say that they could always do better. He stated that whenever they feel they can they will.

Dave Ross questioned if there were any utilities requesting easements on this portion of right-of-way.

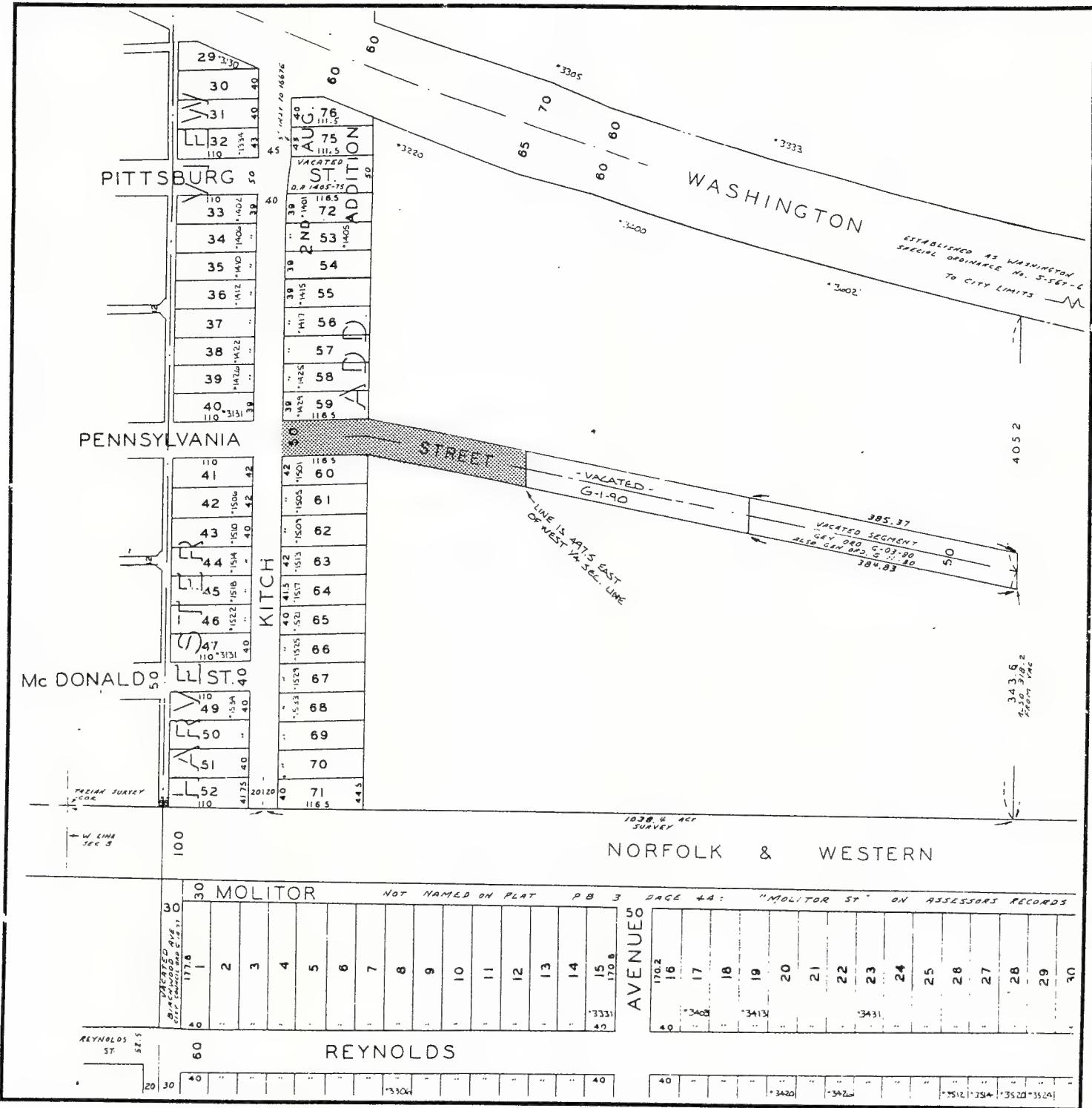
It was noted that Street Lighting was the only engineering department that had requested that they pay for the relocation of a light pole in the right-of-way. None of the other city departments had any easement requirements. The comments from the private utilities had not been received at this time. .

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

VACATION PETITION

AREA MAP

CASE NO. #555



AA Property Holdings, Inc. requests the vacation of Pennsylvania Street.

Location: Pennsylvania Street, east of Kitch Street

Legal: See the file

Land Area: Approximately 0.4 acres

Zoning: M-1, M-2 & R-1

Surroundings: North R1/M-2 Mixed Commercial & Res.
 South R1/M-1 Mixed Comm./Vacant/Res.
 East M-3 Commercial
 West R-1 Residential

Reason for Request: Improved site development

Neighborhood Assoc.: Memorial Park is the closest neighborhood association.

Neighborhood Plan: No comment.

Comprehensive Plan: No comment received.

Landscape: No comment.

Planning Staff Discussion:

Portions of Pennsylvania Street to the east were previously vacated. When the 1990 petition was filed, the petitioners wanted to keep this portion of the street open to provide access to the remaining units in a pre-existing mobile home court. It was their intention to eventually eliminate the mobile home court and vacate this portion of the street.

The petitioners own the ground to the north and south, including some lots with frontages on Kitch Street. The petitioners further state that the street is not necessary to ingress or egress to other properties, and in fact that the street is unopened and unimproved. No other person or property would be affected by the approval of the petition.

Staff evaluation agrees with the petitioner. It does not appear that this portion of the street is needed for any other public or private access, or for any future growth.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements or relocations as needed, and for the following reasons:

- 1) The street is no longer needed for public or private access by anyone other than the petitioners.
- 2) Approval should not have a negative impact on any property values in the area.
- 3) Maintenance of the street is not necessary to future growth, and it would therefore be in the best interest of the city to vacate the right-of-way as requested.

RESOLUTION 82-166-6

WHEREAS, AA PROPERTY HOLDINGS INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street right-of-way situated in Fort Wayne, Allen County, to-wit:

Part of the northwest quarter of Section 8, Township 30 North, Range 13 East, Adams Township, Allen County, Indiana, described as follows:

Starting at the intersection of the west line of said northeast quarter with the north right-of-way line of the Wabash Railroad; thence easterly, along said north right-of-way line, 497.5 feet; thence north 446.36 feet, parallel with said west line of the northwest quarter to the south right-of-way line of Pennsylvania Street as recorded in Deed Record 482, pages 234-5, which shall be the place of beginning; thence continuing north, 50.88 feet, parallel with said west line to the north right-of-way line of said Pennsylvania Street; thence northwesterly, 229 feet along said north right-of-way line to the southeast corner of Lot Number 61 in Harvester View Addition as shown in the Plat Book 10, Page 29; thence west 116.5 feet, along the south line of said Lot Number 61 to the east right-of-way line of Kitch Street; thence south 50 feet, along said right-of-way line to the Northwest corner of Lot Number 60 in said Harvester View Addition; thence east, 116.5 feet, along the north line of said Lot Number 60 to the northeast corner thereof; thence southeasterly, 229 feet, along the south right-of-way line of said Pennsylvania Street to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, C. JAMES OWEN, ^{MEMBER} _{Director} of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED, FEB 14, 1996 and as same appears of

record in the official records of the Board of Public Works.

DATED THIS 14 DAY OF FEBRUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

WHEREAS, AA PROPERTY HOLDINGS INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street right-of-way situated in Fort Wayne, Allen County, to-wit:

Part of the northwest quarter of Section 8, Township 30 North, Range 13 East, Adams Township, Allen County, Indiana, described as follows:

Starting at the intersection of the west line of said northeast quarter with the north right-of-way line of the Wabash Railroad; thence easterly, along said north right-of-way line, 497.5 feet; thence north 446.36 feet, parallel with said west line of the northwest quarter to the south right-of-way line of Pennsylvania Street as recorded in Deed Record 482, pages 234-5, which shall be the place of beginning; thence continuing north, 50.88 feet, parallel with said west line to the north right-of-way line of said Pennsylvania Street; thence northwesterly, 229 feet along said north right-of-way line to the southeast corner of Lot Number 61 in Harvester View Addition as shown in the Plat Book 10, Page 29; thence west 116.5 feet, along the south line of said Lot Number 61 to the east right-of-way line of Kitch Street; thence south 50 feet, along said right-of-way line to the Northwest corner of Lot Number 60 in said Harvester View Addition; thence east, 116.5 feet, along the north line of said Lot Number 60 to the northeast corner thereof; thence southeasterly, 229 feet, along the south right-of-way line of said Pennsylvania Street to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 24, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street right-of-way.

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street right-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, January 24, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 9th DAY OF February 1996

FORT WAYNE CITY PLAN COMMISSION
Carol Kettler Sharp

Carol Kettler Sharp
Secretary